

FILED

AO 91 (Rev. 11/11) Criminal Complaint

FEB - 1 2019

UNITED STATES DISTRICT COURTfor the
WESTERN District of TEXASCLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERKUnited States of America
v.
VERNON LEE MILLICAN

5:19-MJ-127

Case No.

Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of JANUARY 16, 2019 in the county of BEXAR in the
WESTERN District of TEXAS, the defendant(s) violated:*Code Section**Offense Description*

18/2251(a)

Production of Child Pornography.

Maximum 30 imprisonment; Lifetime of supervised release; \$250,000
fine; \$100 special assessment; \$5,000 assessment pursuant to JVTA;
Restitution, and Forfeiture

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.[Signature]
Complainant's signature

MATTHEW MELIA, SA, FBI

Printed name and title☒ Sworn to before me and signed in my presence.
☐ Sworn to telephonically and signed electronically.Date: 2/1/2019[Signature]
*Judge's signature*City and state: SAN ANTONIO, TEXAS

HENRY J. BEMPORAD, US MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

I, MATTHEW P. MELIA, Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, state as follows:

1. I am a Special Agent with the FBI, duly appointed according to law and acting as such, and have been employed by the FBI since September 1997. As an FBI Special Agent, I am responsible for the enforcement of various federal laws, including those relating to the production of child pornography under 18 U.S.C. § 2251. I am currently assigned to the San Antonio Division, Violent Crimes Against Children Squad of the FBI.

2. This affidavit is submitted in support of a criminal complaint charging VERNON LEE MILLICAN with one violation of Title 18 U.S.C. § 2251(a).

3. The information contained in this affidavit is a compilation of information developed during an investigation conducted by your Affiant, as well as the state of Oregon's Clackamas County Sheriff's Office (CCSO), agents of the Department of Homeland Security, Office of the Inspector General (DHS-OIG), and other agents of the FBI.

4. On January 16, 2019, FBI San Antonio was informed of a referral from the Department of Homeland Security, Office of the Inspector General (DHS-OIG), concerning allegations against a United States Border Patrol Agent (BPA) named Vernon Millican (Millican). The allegations were the result of an investigation conducted by the state of Oregon's Clackamas County Sheriff's Office (CCSO). According to DHS-OIG Special Agent Xavier Trevino, Millican is assigned to the Del Rio Sector of the United States Border Patrol, Uvalde Station, Uvalde, Texas.

5. The CCSO investigation followed a report made to them on December 9, 2018 regarding text messages exchanged between Millican and a 13 year old juvenile female, hereafter referred to as Child Victim (CV1).

6. An examination of the cellular phone of CV1 showed a long string of text, photo and video messages between CV1's cell phone and a contact named "P". In the text messages, "P" makes references to working at a checkpoint, and chasing a "group".

7. Also included in the text messages is the following:

P: Say I have a favor to ask. I know you werent too interested in sending pix but since your not here anymore, all I have is pictures to remember you by. So.. I was wondering if you would be willing to send me somethin simple.

P: Like this.

What immediately follows the above message is a photo of an unidentified female's genital area, covered in panties, in a sexually suggestive pose. Following the picture are two additional texts from "P" as follows:

P: Angel emoji; Praying hands emoji

P: May...? (No mouth emoji)

"P" sends CV1 a selfie of him holding a puppy

8. Another text conversation includes the following:

CV1: How's your night going

P: Pretty good. Almost done for the night. (smile emoji)

CV1: That's good I can't sleep

P: Need some ... (licking tongue emoji x3)

P: That'll help ya sleep (smile and wink emoji)

CV1: No (laughing emoji) I just have a cramped neck

"P" sends CV1 a photo of a US Border Patrol logo that appears to be a woodworking project

9. A selfie photo "P" sent to CV1 was identified as depicting Millican.

10. CV1 was forensically interviewed at the Children's Center in Oregon City, Oregon. During the interview, CV1 advised she had been sexually assaulted by Millican beginning before her sister was born, which would have made her approximately 6 years old, and continuing until she was about 12 years old.

11. The abuse included Millican having her masturbate him with her hand and forcing her to watch pornography with him while he masturbated. The pornography showed to her was viewed on Millican's phone and included daddy-daughter, cartoon, and adults. Millican also showed her pornographic videos depicting Millican having sex with various women. CV1 recalled that on multiple occasions when she and Millican had slept together in the nude, she would wake to find Millican on top of her with his penis touching her vagina. CV1 also advised that the aforementioned licking tongue emoji's referred to a sexual act which Millican had performed on CV1 where he had sucked on her vagina.

12. CV1 also disclosed that Millican took numerous photographs of her in which she was both clothed and unclothed. The photographs were taken in all of the homes where they lived together. Millican would use his phone and find poses online and tell her to do the pose for him. Sometimes he made her do it, because he told her if she did not do it he would spank her or take something away. Some of the pictures he showed her had older teenaged girls with and without clothes on. She would only do it if he threatened her or it was a pose with clothes on.

13. Millican took the photographs using multiple devices including an old Samsung phone, an older silver Canon digital camera, a new Canon digital camera, and a new Samsung phone which is the type that can be charged by placing the phone on a platform. CV1 also recalled an occasion when Millican took photographs of her using her mother's Canon digital camera. Millican stored the photographs on SD cards which he removed from the devices.

14. On January 31, 2019, pursuant to an authorized search warrant issued by the United States District Court, Western District of Texas, the FBI conducted a search of Millican's residence located at XXXX Saddle Mountain Road, Leakey, Texas 78873.

15. During the search, a San Disk 32 GB SD card manufactured in China was located inside a Canon EOS Rebel T5 camera.

16. A review of the SD card revealed that it contained four named !MG_0488.JPG, !MG_0489.JPG, !MG_0490.JPG, and !MG_0491.JPG. All four images have a creation date of December 8, 2017.

17. !MG_0491.JPG is an image of CV1 sitting on a couch and holding a cellphone. CV1's body is viewable from above her head to down below her knees. CV1 is clothed only in a black t-shirt which is pulled up to just above her waist and her vagina is lasciviously displayed in the image.

18. Images !MG_0488.JPG, !MG_0489.JPG, !MG_0490.JPG depict the same scene but are close up views of CV1's vaginal area. All four images contain what appears to be a black pen drawing inked onto the skin of CV1's right inner thigh. The drawing is of a cartoon character holding his penis from which liquid droplets are drawn emanating towards CV1's vagina.

19. A couch, pillows, and a blanket depicted in the images were located inside the residence by the search team. In addition, a black Gentleman's Club brand T-shirt was located inside the residence in a hamper located in a bedroom which appeared to have at one time been occupied by CV1.

20. Based on the foregoing facts, your Affiant respectfully submits that there is probable cause to believe that VERNON LEE MILLICAN knowingly used a minor, CV1, to engage in any sexually explicit conduct for the purpose producing a visual depiction of such conduct, and which visual depiction was produced using materials that have been shipped and transported in or affecting interstate or foreign commerce, in violation of 18 U.S.C. § 2251(a).



MATTHEW P. MELIA
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me on February 1, 2019.



HENRY J. BEMPORAD
U.S. Magistrate Judge